
**PLANNING AND ZONING COMMISSION
FINDINGS OF FACT AND CONCLUSION
CONDITIONAL USE PERMIT**

Date: April 15, 2026
From: Kevin Kuchenbecker
Planning, Zoning & Historic Preservation Officer
To: Planning and Zoning Commission
RE: Findings of Fact and Conclusion

APPLICANT(S): Optima LLC
PURPOSE: Conditional Use Permit – Vacation Home Establishment
ADDRESS: 308 Main Street
LEGAL DESCRIPTION: Lot 1A, 2, 3 and the North 17 feet of Lot 4, Block A of the Noble’s Addition to the City of Deadwood, NE ¼ of Section 23, T5N, R3E, B.H.M.
FILE STATUS: Complete

WHEREAS the above application for a Conditional Use Permit for a Vacation Home Establishment in the CH – Commercial Highway Zoning District came on review before the Deadwood Planning and Zoning Commission on Wednesday, November 19, 2025, the application was recommended for approval by the Deadwood Planning and Zoning Commission. The Deadwood Board of Adjustment approved the request for a Vacation Home Establishment at 388 Main Street, as recommended by the Planning and Zoning Commission, on Monday, December 15, 2025.

WHEREAS, all present members of the Deadwood Planning and Zoning Commission and the Deadwood Board of Adjustment having reviewed the Conditional Use Permit request and having considered all comments offered and all the evidence and testimony presented for the application; and, after discussion and consideration of the application and being fully advised in the premises, the Deadwood Planning and Zoning Commission and Deadwood Board of Adjustment hereby enter their:

FINDINGS OF FACT AND CONCLUSION

- Staff provided public notice identifying the applicant, describing the project and its location, and giving the scheduled date of the public hearing. Notice was placed in the designated newspaper of the City of Deadwood, ten (10) days in advance of the hearing as required by Section 17.76.060.J.
- An official sign was posted on the property for which the Conditional Use would occur.
- Property owners within three hundred (300) feet of the boundaries of the subject land were notified by first class mail as required by Section 17.76.060.D.
- The subject area is zoned CH – Commercial Highway. The area near the subject property consists of commercial businesses and residences.
- The use, as proposed, would not result in a substantial or undue adverse effect on adjacent property or the character of the neighborhood and the use would not alter the character of the area.
- The granting of the Conditional Use Permit would not increase the proliferation of non-conforming uses. Use is expressly allowed in the CH – Commercial Highway District under certain conditions and the conditions were met.
- The use would not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation or other services. This type of use does not demand a high degree of services.

Based on these findings, the Deadwood Planning and Zoning Commission recommended approval of the request for a Conditional Use Permit for a Vacation Home Establishment. The Deadwood Board of Adjustment approved the request as recommended by the Planning and Zoning Commission with the following conditions:

1. The Conditional Use Permit runs with the applicant and not the land; therefore, should the property be sold, the Conditional Use Permit is null and void.
2. Proof of a state sales tax number shall be provided to the Planning and Zoning Office for their files.
3. Building Inspector to inspect the building to ensure it meets applicable building codes.

4. Proper paperwork to be filed with the City of Deadwood Finance Office for Business Improvement District (BID) taxes.
5. City of Deadwood Business License required.
6. City of Deadwood Short-Term Rental License required.
7. Lodging License from the South Dakota Department of Health required.
8. All parking shall be off street.
9. Burn permits will not be issued for this location.

ATTEST:

Jessica McKeown, Finance Officer
City of Deadwood
April 20, 2026

Alea Struble, Mayor
City of Deadwood
April 20, 2026

John Martinisko, Chairman
Planning and Zoning Commission
April 15, 2026

Josh Keehn, Vice Chair
Planning and Zoning Commission
April 15, 2026